

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

STEPHEN LAWRENCE TODD JR.,  
Also known as Stephen Lee Blanks,

Plaintiff,

v.

SAMSON O. ALIMU,

Defendant.

Case No. 16-cv-3381 (JNE/SER)

**REPORT AND RECOMMENDATION**

Plaintiff Stephen Lawrence Todd Jr. filed complaint involving his security deposit for a rental property. ECF No. 1. Todd also filed an application seeking leave to proceed *in forma pauperis* (“IFP”). See ECF No. 2.

In an order dated November 30, 2016, this Court ordered Todd to file an amended IFP application that included his prison trust account information and to calculate and pay an initial partial filing fee for his case. See ECF No. 4. Around the same time, Todd notified the Court of his new address and that he had been released from prison. ECF No. 5. On January 17, 2017, the Court ordered Todd to (1) file an amended IFP application that included his current financial circumstances and (2) file an amended complaint because his complaint appeared to have been intended for state court. See ECF No. 6. Todd was given twenty days from the date of that order, or until February 6, 2017, to comply, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has passed, and Todd did not comply with either of the Court’s orders. Accordingly, this Court now recommends, in accordance with the January 17, 2017 order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See

*Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

#### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: February 9, 2017

s/ Steven E. Rau

Steven E. Rau  
U.S. Magistrate Judge

#### **NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).

**Under Advisement Date:** This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after the objections are filed; or (2) from the date a timely response is filed.